

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
CAMERON BOLITHO BROWNE, et al.) : Examiner: Sy D Luu
Application No.: 10/734,222) : Group Art Unit: 2174
Filed: December 15, 2003) : Confirmation No. 8645
For: METHOD AND APPARATUS)
FOR IMAGE METADATA)
ENTRY) : February 6, 2009

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE
AND
REQUEST TO WITHDRAW ERRONEOUS NOTICE OF NON-COMPLIANT
AMENDMENT

Sir:

Applicants received a second Notice Of Non-Compliant Amendment (37 C.F.R. § 1.121) dated January 6, 2009, which was sent in response to Applicants' Response And Request To Withdraw Erroneous Notice Of Non-Compliant Amendment dated October 24, 2008. Applicants respectfully submit that the Notice was issued erroneously, and should be withdrawn.

CERTIFICATE OF EFS-WEB TRANSMISSION
I hereby certify that this correspondence is being filed electronically by EFS-Web transmission to the United States Patent Office on

February 6, 2009
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(Name of Attorney for Applicants)

/Shant Tchakerian #61,825/ February 6, 2009
Signature Date of Signature

The Notice alleges that the use of strike-through to show the deletion of five or fewer characters does not comply with 37 CFR 1.121. In particular, the Notice alleges that the use of strike-through to show the deletion of the term “image” in Claim 7 does not comply with 37 CFR 1.121. According to the Notice, to indicate such a deletion, double-brackets are required. Applicants respectfully disagree.

The use of double-brackets is permitted, but it is not mandatory. 37 CFR 1.121 states that “double brackets placed before and after the deleted characters **may** be used to show deletion of five or fewer consecutive characters.” Thus, 37 CFR 1.121 states that the use of double brackets is optional.

In this regard, the use of strike-through to show the deletion of five or fewer characters is believed to comply with 37 CFR 1.121. Accordingly, it is clear that the Notice was issued erroneously, that the Response dated October 24, 2008 and the Amendment dated January 3, 2008 were fully compliant, and that the Notice should be withdrawn.

Nevertheless, and in the interest of advancing prosecution, the claims have been reformatted to show deletion of five or fewer consecutive characters using double brackets.

Accordingly, reconsideration of the Amendment dated January 3, 2008, and further examination, are respectfully requested.